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REMARKS

Favorable reconsideration of the subject application in the light of the foregoing amendments, and in the light of the following remarks, are respectfully requested.

By the present amendment, Claims 5 and 9 have been cancelled without prejudice or disclaimer, and Claim 8 has been amended. It is believed that the amendments to the claims overcome the rejections under 35 U.S.C. § 112.

Turning now to the outstanding office action:

35 U.S.C. § 112 Rejection

Claims 5 and 8 to 12 are rejected under 35 U.S.C. § 112 second paragraph. The Examiner objected to certain phrases, including "shrinkage force is equal to the strain" or "the non-woven has a shrinkage force which counteracts the strain . . .". It is believed that the amendments to the claims overcome the Examiner's rejection.

More specifically, Claims 5 and 9 have been cancelled without prejudice or disclaimer. These claims contained the specific language to which the Examiner objected. Furthermore, Claim 8 has been amended to remove the language to which the Examiner has objected. All claims are now free of the language to which the Examiner has objected.

Accordingly, favorably reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 112 are respectfully requested.

Rejections Under 35 U.S.C. § 102 and § 103

The Examiner rejects Claims 1-7 and 13-14 under 35 U.S.C. § 102 as being anticipated by, or in the alternative, under 35 U.S.C. § 103 as being obvious over HEIDEL et al. (U.S. Patent No. 6436510). For the following reasons, however, the Examiner's rejection is most respectfully traversed by applicants.

The presently claimed invention relates to a core comprised of non-woven polyester filaments which is bound by a binder and which has a latent shrinkage force of 2 N/5 cm to 20 N/5 cm. This particular shrinkage force has been found to be important. The presence of this shrinkage force is relieved when the non-woven core is stressed by heat in further

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processing operations. The shrinkage force allows the core to counteract the strain. Strain of this kind is produced if, for example, the non-woven is drawn through a bath of hot liquid or if the non-woven has an opportunity to sag as it is fed onward. In general, the core has high thermal dimensional stability due to the recited shrinkage force.

As discussed on page 4 of the present specification, this shrinkage force is obtained by consciously stretching the non-woven after drying. This stretching is done after drying and generally at a temperature which is above the crystallization temperature of the polyester used. The stretching is continual until the shrinkage force has built up within the desire range. Thus, the shrinkage in combination with the heating above the crystallization temperature is controlled in order to develop the shrinkage force in the non-woven.

The prior art is totally devoid of any suggestion of obtaining such a non-woven core, or how to obtain such a non-woven core. HEIDEL et al. cannot inherently anticipate the presently claimed invention as it does not provide the necessary stretching of the polyester filaments. This latent shrinkage force is not inherently present in the polyester fibers, but must be introduced through the particular process of the present application.

Accordingly, it is respectfully submitted that HEIDEL et al. does not and cannot anticipate, nor render obvious Claims 1-7 and 13-14. There is no disclosure or suggestion in HEIDEL et al. as to the introduction of shrinkage force within the non-woven, or how to obtain such a shrinkage force, especially within the recited ranges of the present claims. Favorable reconsideration and withdrawal of the Examiner's rejection of Claims 1-7 and 13-14 over HEIDEL et al. are therefore respectfully requested.

Claims 8-12 presently stand rejected under 35 U.S.C. § 103 as being unpatentable over HEIDEL et al. taken further in view of BARAVIAN et al. (U.S. Patent No. 5118550). For the following reasons, however, the Examiner's rejection is most respectfully traversed by applicants.

As noted above, HEIDEL et al. is devoid of the necessary stretching step in a process for introducing the shrinkage force. The secondary reference BARAVIAN et al. has been added by the Examiner in order to cure the deficiencies of HEIDEL et al. However, it is submitted by applicants that the combination is not proper, and in any case, inadequate.

BARAVIAN et al. relates to a reinforced non-woven sheet. This is contrary to HEIDEL et al., as well as the presently claimed invention. When one applies a reference, it must be reviewed with regard to its entire teaching. This would include the presence of

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reinforcement fibers. Thus, the combination is not proper since HEIDEL et al. does not employ reinforcement. Furthermore, even if one were to combine BARAVIAN et al. with HEIDEL et al., one would have to include the reinforcement fibers of BARAVIAN et al. in the combined non-woven. Such a combination would not provide one with the presently claimed non-woven or the method for preparing the non-woven.

The Examiner attempts to apply BARAVIAN et al. simply for the stretching step. However, it is respectfully submitted that this as well would be improper. In the section of BARAVIAN et al. referred to by the Examiner, Column 7, lines 24-44, and in particular lines 39-40, there is an indication of stretching occurring during the process of BARAVIAN et al. It should be noted, however, that the stretching is related to the reinforcing threads. As noted in lines 39 and 40, the tension is applied such that the reinforcing threads, the "latter", are perfectly stretched throughout the consolidation stages. Thus, the stretching relates to the reinforcement threads. Since HEIDEL et al. does not contain any reinforcement threads, the stretching procedure would not be applicable to HEIDEL et al. One of ordinary skill in the art would realize this based upon a reading of BARAVIAN et al.

Accordingly, it is respectfully submitted that the combination of HEIDEL et al. and BARAVIAN et al. would not suggest to the skilled artisan the method recited in Claims 8-12 of the present application. It is believed that the proposed combination is not proper. Even if one were to consider the two references together, however, it is submitted that the claimed process would still not be obtained or suggested to the skilled artisan.

Therefore, favorable reconsideration and withdrawal of the Examiner's rejection of Claims 8-12 under 35 U.S.C. § 103 over HEIDEL et al., taken further in view of BARAVIAN et al., are respectfully requested.

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From the forgoing, further and favorable action in the form of a Notice of Allowance believe to be next in order, and such action is earnestly solicited.

Respectfully submitted,

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